

9 FAM 42.51 PROCEDURAL NOTES

(CT:VISA-805; 05-03-2006)
(Office of Origin: CA/VO/L/R)

9 FAM 42.51 PN1 MONTHLY REQUEST FOR IMMIGRANT VISA (IV) NUMBERS

(TL:VISA-805; 05-03-2006)

- a. The Department allocates visa numbers on the basis of monthly reports of documentarily qualified visa applicants. Issuing offices abroad must prepare and submit Report 20 Monthly Report of Documentarily Qualified Immigrant Visa Demand so that it reaches the Department (CA/VO/F/I) by the first of the month. Posts authorized to issue immigrant visas (IV) but having no reportable applicants in a given month must send a report stating there are no reportable applicants.
- b. The monthly allotment of IV numbers is close to the maximum permissible. Therefore, only a few IV numbers remain for allocation in response to individual requests from posts. For this reason, posts should not request allocation of IV numbers for applicants who become documentarily qualified after the submission of the report unless special circumstances exist in an individual case necessitating immediate issuance of a visa. A post with otherwise unused numbers in a particular category/chargeability which would be returned to VO/F/I at the end of a month should use such numbers before requesting additional allocations in the same category/chargeability. During the last month of a fiscal year, IV numbers available for individual allocation, are generally less than in any other month, and only requests for the most compelling cases can be honored during that time.

9 FAM 42.51 PN2 RETURNING UNUSED VISA NUMBERS

(CT:VISA-805; 05-03-2006)

Posts shall return unused visa numbers allocated for a specific month to the Department (CA/VO/F/I) by *Report 22, Monthly Returns*. *Report 22, Monthly Returns* must be sent within five calendar days of the end of each month. (See 9 FAM Appendix I.)

9 FAM 42.51 PN3 "RECAPTURED VISAS"

(CT:VISA-805; 05-03-2006)

A "recaptured visa" is a visa that is known not to have been used (e.g., the bearer died or was unable to travel during the validity period). Such visas should be recaptured and the visa number returned to the Department unless the same applicant wants to replace his or her visa during the same fiscal year. (See 9 FAM 42.74 Notes.)

9 FAM 42.51 PN3.1 Importance of Prompt Return

(CT:VISA-805; 05-03-2006)

Posts shall return recaptured numbers to the Department (CA/VO/F/I) as quickly as possible. A visa number returned during the fiscal year of original issuance may be reallocated by the Department during the same fiscal year. Although all such visa numbers should be returned as soon as they have been recaptured, it is essential that recaptured visa numbers be promptly returned near the end of the fiscal year so that they may be used elsewhere before the end of the fiscal year.

9 FAM 42.51 PN3.2 Using "VISAS GIRAFFE" Telegram to Return Recaptured Numbers

(CT:VISA-805; 05-03-2006)

Posts shall return recaptured visa numbers by telegram using the code word "GIRAFFE" followed by the words "Recaptured Visa Numbers." This is designed to preclude any possible confusion of these returns with those of other unused visa numbers. The issuance date (month and year) of the allotted number being returned should also be indicated. Posts shall make a notation of the recapture and return in their records.

9 FAM 42.51 PN3.3 "Recaptured" Immediate Relative Visa

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Immediate relative visas are not subject to numerical limit and, therefore, no visa numbers are allocated or used for immediate relative visa issuances. Under the terms of the *Immigration and Nationality Act* (INA) as revised by the Immigration Act of 1990, however, each year's total of immediate relatives must be considered when the Department calculates the family preference numerical limit for the following year. Thus, it is now important for the Department to know when immediate relative visas are unused by the recipients so that visas will not be counted when the family preference

limit is being determined. Posts are asked to report such "recaptured" immediate relative visas to VO/*F/I* in the same manner as recaptured visa numbers are reported; they should be identified as "Recaptured Immediate Relative Visa(s)," and the month of visa issuance should be indicated.